

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

GRUPO AEROMÉXICO, S.A.B. de C.V., *et al.*,

Debtors

INVICTUS GLOBAL MANAGEMENT LLC,

Appellant,

v.

GRUPO AEROMÉXICO, S.A.B. de C.V., *et al.*,

Appellees

Case No. 22-749 (CM)

Chapter 11 Case No. 20-11563
(SCC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/15/22

~~PROPOSED~~ ORDER FOR LIMITED REMAND TO BANKRUPTCY COURT

1. In its letter to the Clerk of Court of the United States District Court for the Southern District of New York (the “Indicative Ruling Letter”), appellant Invictus Global Management LLC (“Invictus”) and appellees, the debtors in the above-captioned bankruptcy proceeding (the “Debtors”), jointly request a remand of this appeal to the United States Bankruptcy Court for the Southern District of New York for the limited purpose of revesting that court with jurisdiction to vacate the order from which this appeal arises (the “Voting Order”).

2. A limited remand pursuant to Federal Rule of Bankruptcy Procedure 8008 (“Rule 8008”) is appropriate to effectuate a settlement between the parties (the “Settlement”), the terms of which are summarized in the order of the bankruptcy court confirming the Debtors’ plan of reorganization (the “Confirmation Order”) that is attached to the Indicative Ruling Letter as

Exhibit A. The terms of the Settlement include, among other things, the bankruptcy court's vacatur of the Voting Order. The Settlement would resolve the issue raised in this appeal, but the bankruptcy court lacks jurisdiction to vacate the Voting Order while this appeal is pending.

3. Rule 8008 authorizes the bankruptcy court to communicate to this Court via an "indicative ruling" the bankruptcy court's intention to vacate the Voting Order if the appeal is remanded for the limited purpose of revesting the bankruptcy court with jurisdiction to do so. Here, pursuant to Rule 8008, the bankruptcy court issued such an indicative ruling as a component of the Confirmation Order.

4. Under the circumstances presented here, a limited remand for these purposes is warranted and appropriate as it will facilitate the efficient, amicable and global resolution of this appeal and the settlement of the disputes that have arisen between the parties. Appellant Invictus has stated that it will dismiss this appeal, after the remand and after the time for any appeal to be taken from the Confirmation Order has expired (assuming no appeal is timely filed).

5. Good cause thus appearing, the Court GRANTS the relief requested in the Indicative Ruling Letter and hereby orders that this appeal is remanded to the bankruptcy court for the limited purpose of revesting that court with jurisdiction to consider and rule on the vacatur of the Voting Order. The Court otherwise retains jurisdiction over the appeal.

Dated: February 15, 2022
New York, New York



THE HONORABLE COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE